

Notice of Allowability

Application No.

09/164,206

Examiner

Craig Miller

Applicant(s)

DISTER, CARL J.

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/18/05.
2. ☒ The allowed claim(s) is/are 1-23 and 25 now renumber 1-24 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

1. Claims 1-23 and 25 now renumbered 1-24 respectively are allowable over the prior art of record.

2. The following is an examiner's statement of reasons for allowance:

While the prior art of record such as Hays *et al.* discloses in col. 7 lines 16+ that industrial equipment should be remotely monitored *in situ* and that such monitoring should be accomplished with network communications and Wang *et al.* discloses the monitoring of industrial equipment. Figure 8 from Emori *et al.* shows that item [102] is a high heat generating device, item [103] is electronics which should be heat insulated yet electrically connected to item [102] while encased within electrical shielding. Items [101] and [101'] are heat dissipating fins. Emori *et al.* does not specify that the heat generation device is a dynamoelectric machine. Lakin discloses in col. 1 lines 16+ that a dynamoelectric machine generates heat which is known to be harmful to associated electronics and that such electronics require heat insulation from high heat generating sources. Neither Wang *et al.* nor Hays *et al.* specify that the monitoring electronics should be mounted upon the industrial equipment. The Examiner has previously noted that it is well known to make integral that which was separate, *In re Larson*, 144 USPQ 347 (CCPA 1965), "*Although it is true that invention may be present under some circumstances in making integral that which was separate before, we do not feel that such is the case here. Improved results only will not take the case out of the general rule. There is also a requirement that the unification or integration involves more than mere mechanical skill. In re Murray*, 19 CCPA (Patents) 739, 53 F.2d 541, 11 USPQ 155; *In re Zabel et al.*, 38 CCPA (Patents) 832, 186 F.2d 735, 88 USPQ 367." It was noted that the devices of Hays *et al.*, Wang *et al.* and Lakin *et al.* are within the art of machine monitoring and it was put forth that because the device of Emori *et al.* is within the general art of electronics mounting, because it is known to monitor the operation of a rotating machine, because it is known that dynamoelectric machines generate heat which is harmful to electronics, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify either of Hays *et al.* or Wang *et al.* to include the mounting of the monitoring electronics within an arrangement as suggested by Emori *et al.*, with the monitoring electronics within a separate

container while being attached to the device to be monitored, so as to receive the obvious benefits derived therefrom such as increased heat insulation and increased resistance to EMF interference from the dynamoelectric machine. The Examiner continues to maintain this position with respect to heat insulated monitoring electronics attached externally to an industrial machine. However, the state of the instant record has come to show that a result, decided by competent authority to be unexpected and unobvious from the combined prior art of record is currently claimed within claims 1-22 and 25. Therefore, when the Applicant claims and argues the increased benefits derived specifically from monitoring data with the module located at, "...a same precise location on the outer mounting surface..." or a diagnostic machine including, "...means for substantially increasing comparison reliability of collected data.", the Examiner must now agree that there certainly exists an enhanced processing reliability of measurement, as claimed, when those measurements are processed at a single precise location, thus minimizing the net affects of some well known external influences such as concentrated heat sources and sources of interfering emf emissions.

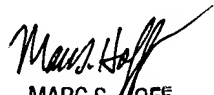
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "*Comments on Statement of Reasons for Allowance.*"

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Craig Steven Miller whose telephone number is (571) 272-2219. Central facsimile services are now available at (703) 872-9306.

The Examiner can normally be reached on Mondays through Thursdays from 6:30am-2:00pm EDT. Should repeated attempts to reach the Examiner be unsuccessful, the Examiner's Supervisor, Marc Hoff may be reached at (571) 272-2216.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Private PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Craig Steven Miller (ss)
24 October 2005


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2857